

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KYLE LEE DEATON, Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
June 15, 2006

Petitioner-Appellee,

v

MARY ZETTA DEATON,

Respondent-Appellant.

No. 268145
Oakland Circuit Court
Family Division
LC No. 04-691099-NA

Before: Davis, P.J., and Sawyer and Schuette, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Respondent does not contest the sufficiency of the evidence to establish a statutory ground for termination, and indeed she entered a plea of no contest to all of the allegations of the termination petition. On appeal, respondent contends that the termination of her parental rights was contrary to the best interests of the child. Once the petitioner has established a statutory ground for termination by clear and convincing evidence, the trial court shall order termination of parental rights, unless the court finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). The trial court's decision regarding the child's best interests is reviewed for clear error. *Id.* at 356-357.

The trial court did not clearly err by finding that the termination of respondent's parental rights was not clearly contrary to the best interests of the child. The child was initially placed in care because of respondent's drug use and inadequate supervision of the child. Respondent was provided a treatment plan requiring her to provide three negative drug screens before visiting the child, to participate in a substance abuse assessment and psychological evaluation and comply with clinical recommendations, to attend and benefit from individual therapy, and to maintain employment and housing. At the time of the best interests hearing, respondent had not submitted any drug screens, and by her own admission attended counseling only for "a while" before stopping because of transportation problems. She did not have housing suitable for the minor

child and had not made arrangements to look for housing other than her rented room. It was reiterated throughout the record that Kyle is a child with serious problems requiring specialized care. It is clear that respondent is not equipped to meet the needs of Kyle, who is diagnosed with posttraumatic stress disorder, major depressive disorder, attention deficit hyperactivity disorder, and oppositional disorder. This conclusion is buttressed by respondent's psychological evaluation, which indicated that she "is in no position to independently provide for her son at this time, nor is she likely to do so in the near future, even if provided with additional services. The prognosis for treatment efforts is poor, given the history and personality profile obtained."

In summary, there was virtually no evidence that termination would be contrary to the best interests of the child, and much evidence that respondent lacked the ability to meet his extensive needs. We are left with no sense that a mistake was made by the trial court. *In re Terry*, 240 Mich App 14, 22; 610 NW2d 563 (2000).

Affirmed.

/s/ Alton T. Davis
/s/ David H. Sawyer
/s/ Bill Schuette